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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The relationship between the enjoyment of human rights, in particular
economic, social and cultural rights, and income distribution

Poverty, income distribution and globalization:
A challenge for human rights

Addendum to the final report prepared by
Mr. José Bengoa, Special Rapporteur

Introduction

1. For three years the Sub-Commission on Prevention of Discrimination and Protection of Minorities has renewed the mandate of the Special Rapporteur to analyse the relationship between the full enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels (Sub-Commission resolution 1994/40 and Commission on Human Rights decision 1995/105). The Special Rapporteur was requested to pay particular attention to poverty and extreme poverty and to take education and the right to development into account in dealing with these matters. A preliminary, conceptual report (E/CN.4/Sub.2/1995/14), a second provisional report (E/CN.4/Sub.2/1996/14) based on empirical data on income distribution worldwide, and a final report (E/CN.4/Sub.2/1997/9), which primarily analyses the challenges posed by globalization to human rights, and in particular, to the full enjoyment of economic, social and cultural rights, were submitted. The last-mentioned report has still not been discussed by the Sub-Commission, which in its decision 1997/107, decided "to postpone to its fiftieth session the presentation by Mr. Bengoa of his final report" and

requested him "to complete his report by preparing a supplementary document on this issue". The Sub-Commission also decided "to give full consideration at its fiftieth session to the recommendation contained in the final report concerning the establishment of a social forum within the framework of the Sub-Commission".

2. Between the forty-ninth and fiftieth sessions, the Special Rapporteur was invited to numerous seminars, round tables and academic debates on the topics covered by his three reports. A round table convened by the High Commissioner for Human Rights was established within the framework of the Commission on Human Rights in Geneva, which dealt particularly with the proposal for a social forum. Various international organizations, including the International Service for Human Rights and the United Nations Non-Governmental Liaison Service, convened a seminar on "Globalization, Income Distribution and Human Rights" with the participation of the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP) and specialized agencies, at which the final report was extensively discussed. The Comparative Research Group on Poverty (CROP), part of the International Social Science Council, in conjunction with the Latin American Association of Development Organizations (ALOP) and the SUR Centre for Social Studies in Santiago de Chile, organized a week-long seminar on "Human Rights as an Instrument for the Eradication of Extreme Poverty", in which numerous United Nations organizations (the Office of the High Commissioner for Human Rights), as well as international and national non-governmental organizations (NGOs), participated. Many of the Special Rapporteur's proposals made to the Sub-Commission in his final report were discussed at this seminar. The International Commission of Jurists invited the Special Rapporteur to speak on this question at its general assembly, held in July 1998, in Capetown, South Africa.

3. The purpose of this supplementary report is to summarize the operative parts of the previous reports and to supplement the recommendations contained in the final report, with particular reference to the proposed social forum.

I. INCOME DISTRIBUTION AND GLOBALIZATION: GENERAL CONCLUSIONS

4. The general conclusion of this study is that the growth in the world economy since 1987 - that is, since the end of the cold war - has been accompanied by a marked negative distribution of income at both the international and the national level. 1/ Growing inequality is the social characteristic of our era. The rich countries continue to accumulate ever-greater wealth and rich people within these countries also become increasingly rich, producing a growing gap between rich and poor, whether they be countries, regions, groups of people or individuals. This is why the world has become increasingly concerned with the issue in recent years, and numerous studies and consultations have been undertaken in which increasing alarm on the part of international academics, politicians and analysts has been observed. As stated in the final report, the globalized capitalist economic growth of the past 10 years has produced social consequences consisting of two simultaneous phenomena: the concentration of wealth, and social exclusion. Countries' areas and entire regions of the world have been excluded from the tempo of growth, technological change and dizzying transformations to be found today. There are areas, urban zones and especially rural zones, and sometimes

even entire regions of countries, which are a part of the third or fourth world and are excluded from the benefits of economic growth; other areas, on the other hand, are becoming "globalized" and internationalized, and are benefiting from economic growth, constituting first world enclaves in "thirdworldized settings". The emergence of third or fourth world enclaves within developed countries is yet another new and disturbing phenomenon which characterizes the new period of globalized capitalist development. The social consequences of this type of development are serious and of increasing concern to Governments.

5. The second conclusion to be drawn from the empirical data analysed during the three years of the Special Rapporteur's mandate is that bad distribution of income is always linked to poverty. 2/ As is well known, there is absolute or extreme poverty, and general poverty, also called relative poverty. When income distribution begins to be concentrated in the hands of the few, relative poverty increases, as does extreme poverty. This happens in both developing and developed countries, and it has been measured in the reports of the Special Rapporteur. From the findings of these studies it is also evident that in traditionally very poor countries that are agrarian and peasant societies, income distribution is not necessarily inequitable, which is not in itself a reason to refute the general conclusion. Global data frequently do not record the concentration of land, wealth and prestige in this type of traditional society. They do, however, show that in those societies and countries in the process of modernization or already developed, changes in income distribution are very sensitive and have an immediate impact on the spread of poverty, both relative and absolute.

6. The third conclusion from our work is that bad income distribution, when accompanied by economic growth, causes explosive social situations. The main integrating element of society is lost when there is great economic growth and bad distribution of wealth. Young people in particular lose confidence in the value of democracy; many disadvantaged, impoverished or discriminated sectors of the population see their commitment to democracy weaken, and the political system loses its effectiveness. Societies and social groups become increasingly vulnerable, creating a situation of uncertainty and social instability. The emergence of authoritarian, undemocratic political forms, chauvinistic nationalist movements, new forms of xenophobia, hatred of migrant workers, and other manifestations are the direct consequences of this type of development.

7. It can be concluded from the foregoing that bad distribution of goods and, consequently, inequitable distribution of opportunities and even the perception of irrational inequalities, in a world of increasing intercommunication, with instantaneous knowledge of what is happening in other parts of the planet, is neither psychologically nor politically acceptable for the majority of people as the century draws to an end. A feeling of impotence and despair erupts spontaneously among young people, giving rise to numerous conflicts and social ills. Many "social diseases" affecting the modern world have their origins in this new type of unequal economic relations both within individual societies and between nations. This is the underlying explanation of crime, drug traffic and drug abuse, and traffic in persons, and it must be taken into account in any policy seeking to identify the roots of current social problems.

8. The fourth conclusion of the study is that income distribution is therefore very closely linked to the full enjoyment and realization of human rights. It is in this connection that our reports state that persistently bad distribution of income is also the cause of persistent violations of human rights and economic, social and cultural rights in particular. We have therefore concluded that when there are "intolerable degrees of income inequality" in which a minority appropriates a substantial part of national (or international) wealth, that constitutes a violation of human rights, because of the social, moral and political consequences. An economic, political or other minority can provoke enormous social violence if, in the face of economic growth, the acquisition of economic gains and concentration of economic power means of distribution are not applied which can keep society integrated and prevent the brutal exclusion of some sectors from the minimum benefits to which all human beings are entitled. This conclusion is based on the very nature of the Universal Declaration of Human Rights, which proclaims mutual solidarity among all human beings and among countries, which together make up the theoretical and political concept of the "international community". Distribution of the benefits of economic growth is not only a charitable grant by persons, groups or countries of goodwill, but is fundamentally an obligation constituted by the inherent rights of persons, groups and countries, as set forth in international agreements and treaties. Growth with negative income distribution at a level considered "intolerable" - that is, one which endangers human life and human rights - constitutes a violation of the norms of national and international coexistence and therefore of the rights of persons.

9. The fifth conclusion is that income distribution should become an economic and social indicator to be used by the World Bank, the International Monetary Fund (IMF), UNDP and other international agencies, both public and private, in their analyses of international cooperation, investments, trade and relations among countries and institutions. Just as they have for many years used monetary indicators, inflation levels, public debt, a balanced national budget, etc. for granting credit, making investments and establishing development and cooperation programmes, they should also use income distribution as an indicator, bearing in mind that bad income distribution causes much greater instability than many conditions shown by macroeconomic and financial indicators. The conclusion of the report is that the income distribution indicator appropriately refers to the manner in which relations between various groups within a society are constituted. Income distribution by household makes it possible to determine whether there is adequate social integration in a given country. Income distribution by region shows us whether there is a spatial distribution of resources or whether a particular area or zone of the country has been marginalized and excluded. On the level of international relations, both indicators tend to be very useful and for this reason are increasingly utilized by specialized bodies. 3/

II. MODERN POVERTY IN "GLOBAL CAPITALISM"

10. The majority of third world countries have had to adjust their national macroeconomic policies to the demands of global capitalism. The 1980s, which in many regions was dubbed the "lost decade" for economic development, was replaced by the decade of structural adjustments. Guided by the hand of the IMF and free trade agreements, the countries of Latin America, Africa and

Asia, with some well-known exceptions, put order into their financial accounts, privatized most of their industries and activities that had previously been in State hands, and opened up foreign trade to free market forces. Frequently the costs of this "structural adjustment" process were high rates of domestic unemployment, a decline in social spending, impoverishment of a large part of the population, concentration of income and profits in the hands of a small group within the country and internationalization of economic activities. 4/ All countries have eagerly sought to attract foreign investment and find export products that will enable them to rejoin the global markets. As indicated in the previous reports, countries are often competing among themselves to offer the greatest advantages to foreign investment. Until now, these advantages have usually occurred in three spheres: (a) deregulation of the labour markets, which makes it possible for firms located in the host country to reduce their costs, (b) deregulation or not putting up further obstacles to, natural resource development, and the use of legislation with low environmental standards so as to offer "comparative advantages" to international firms based in the country, and (c) the provision of financial facilities, enabling rapid and unhindered repatriation of capital and profits, low levels of bank "reserves" for financial investments and transfers, and customs and tax concessions. Many third world countries are subsidizing transnational companies with these mechanisms.

11. The consequences for poor countries and for poor people in general of this type of globalized development have been serious. All the reports of the United Nations system agree that the number of poor people in the third world has risen in recent years and that poverty is acquiring increasingly permanent dimensions. The term "hard poverty" is today applied to the sector of the population living in conditions of extreme hardship and whose ability to change the situation is very limited. Generally what happens in this sector of hard poverty is that the people adopt a "survival culture", subsisting as best they can on the edge of all commonly accepted systems and norms. The requirements of subsistence mean that they must adapt to very difficult conditions of exclusion, extreme poverty and mendicity, if not delinquency. Some recent studies and reports cite the numbers of persons in both developed and developing countries living on "public charity", especially, and increasingly, on aid from private charitable organizations.

12. There are two very distinct phases in the processes of absorption and reduction of poverty. Countries that have carried out structural adjustments have generally endured a long period of imbalance with high redundancy and unemployment rates. Once the macroeconomic indicators have stabilized, which is the first and foremost goal of the adjustments, a period or stage of economic recovery begins. These processes can be observed on almost every continent. The late 1990s are characterized by the relative normalization of macroeconomic balance, with well-known exceptions in Asia, and by historically high levels of market activity on a much more intense level of international integration. The structural adjustment period has been studied extensively by the United Nations system and is not the main subject of this report. We call the period which follows it "the 'easy' stage of poverty alleviation" and the third period, "the 'difficult' stage of poverty alleviation".

A. The "easy" stage of poverty alleviation

13. It has been demonstrated that, initially, the poorest sectors of the population benefit from measures that ensure fiscal equilibrium and market openness. Two factors improve the situation of these groups: the increase in the number of jobs resulting from reactivation of the economy, and the decline in inflation, which has a less negative effect on the income of the poorest sectors. The "easy" stage of poverty alleviation is the one that accompanies economic growth - that is, via salaries and employment, the entire success of the programme. It coincides with a period of economic reactivation in labour-intensive sectors, such as housing construction and public works. In Latin America, those countries that carried out rigorous structural adjustments in the 1980s and early 1990s have followed this pattern. It is initially a period when people join the labour market, in informal activities and on their own account, but after the first years of relative success, there is ever greater difficulty in incorporating and integrating new sectors of the population.

14. Indicators of poverty and destitution show that this "easy" stage of combating the statistical-mathematical indicators of poverty comes to a rapid conclusion once the new realignment system has been established. 5/ In most third world countries 6/ this was the period that began in the late 1980s and accelerated in the early 1990s with the thrust towards democracy and the social policy measures adopted and very frequently recommended by the World Bank. The social sector created by these measures is not the marginal or excluded sector per se, which cannot be called upon for production or activity without prior preparation or training. The macroeconomic realignment measures do not affect "extreme poverty", which is maintained outside the system and intensifies even more with the lack of opportunity.

15. The labour force that left production during the structural adjustment period re-enters the labour market under worse conditions of stability, salaries and job security. This phenomenon has been observed in all the studies conducted on a number of continents. The deterioration in working conditions generally goes hand in hand with the privatization of State enterprises, a reduction in the number of jobs in the State system and legislation, regulations and mechanisms intended to "flexibilize" labour markets. 7/

B. The "difficult" stage of poverty alleviation

16. Many countries that have become integrated into "global capitalism" have moved from the "easy" to the "difficult" stage of poverty alleviation. The "easy" stage corresponds to the post-adjustment period, and the "difficult" stage to that which follows. "Global capitalism" has had answers for the "easy" stage. Fiscal organization and macroeconomic balance policies have been the only measures applied in recent years in all parts of the world. However, there are no programmes which justify the assertion that the new integration of developing countries into this internationalized system will dissolve the existing hard core of "extreme poverty". Much bolder measures are required for that, without which it will not be possible or simply will not appear possible to attain the basic objectives of equity and poverty elimination.

17. The principal characteristic of modern poverty is that on the one hand the production and economic system does not have the capacity to absorb the traditional sectors, especially the rural ones, while on the other hand it creates new categories of poor people in sectors which had previously been relatively well integrated. This is the new face of poverty today. In the 1950s and 1960s, poor people in developed countries congregated around traditional primary activities, particularly agriculture, nineteenth-century forms of mining (such as coal) and other traditional sectors of the same type. Poverty in third world countries was directly associated with rural or marginal urban areas, among recent migrants to the cities. Things are not happening the same way in the 1990s. The economic system which depends on global capitalism to change systems of production, delocalize economies and industries and effect major transformations of markets is also becoming a new source for the creation of poverty. There are more poor people. These poor people are the result of the development of global capitalism; they are poor as a result of globalization. To them must be added the "traditional poor" who have not been absorbed into the modern era and who survive under traditional conditions of basic subsistence.

18. In many parts of the world women's participation in labour and frequently also that of children is the response to these widespread phenomena. Generally, their participation takes place under the most deplorable conditions. Seasonal work, irregular pay, work schedules incompatible with health and the lack of labour contracts are increasingly associated with economic delocation and the so-called flexibility of labour markets. 8/ This is why we are hearing nowadays about the "feminization of poverty", which means that women make up the bulk of the poor. This is one of the most marked trends of what is referred to as "modern poverty".

19. There is a strong contradiction between economic policy and social policy in most countries. A breach has developed between the two domains. Economic policy is considered to comprise all the measures aimed at regulating the economy in accordance with the criteria of global capitalism. Social policies, on the other hand, are intended to protect people in such areas as health, education and housing, or what are called the social spheres. However, as more than one author has pointed out, economic policy leads to the exclusion of many people, and the State, through its social policies, is responsible for attempting to reintegrate them into society. Nonetheless, this integration, if it is not achieved through the economy itself, for example by obtaining jobs of equal or better quality, is only partial and generally inadequate. This contradiction, which can be observed in both developed and developing countries, is perhaps of greater relevance in the period we have called the period of "global capitalism": the economy adopts its own rules and rhythms of decisions, while the "social sphere" tries to resolve the problems and conflicts generated by the economy.

20. Given this contradiction, a new phenomenon can be observed: "the privatization of poverty". A large number of private organizations come into being daily in an attempt to solve the problems of poverty that affect increasing numbers, while the State progressively withdraws from its social or cooperation functions. The massive appearance of these aid and charity organizations is the consequence of the "autonomization of the economy", of the economic decisions and actors operating on the economic scene. This

sector, called the "tertiary sector", is a new player in international social policies, and it is extremely important that it should be taken into account. There are global assistance and cooperation organizations that raise even more resources than national Governments in the field of international cooperation: in many third world nations, their activities are central to the analysis of policies concerned with poverty, its elimination and development issues.

III. A RETHINKING OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

21. Globalization would appear to be a characteristic of contemporary economic and social life. Now that the most advanced stage of adjustment policies is over, economies wish to open up to the large globalized markets. Free trade agreements are being signed everywhere. Communications are intensifying. The media transmit a mass of information so difficult to understand that it is often asked whether we are better informed now than in the past. National Governments have made repeated efforts to open their societies and their economies. Each country would like to enter the twenty-first century without remaining isolated or alone. Not to participate in globalization in all its many aspects today appears a defeat, remaining behind, removed from the world, and being condemned to backwardness and underdevelopment.

22. There are, however, various simultaneous processes of globalization, which is why we must speak of "globalizations". The globalization of communication powers, the internationalization of economies and the laws of the global market are also accompanied by a number of other processes of globalization which should be considered. This is why, nowadays, and in the present report, the expressions "top down" and "bottom up" globalization are used. There has also been reference at recent social summits, to the "globalization of States and globalization of civil society". There is no doubt that civil society is becoming increasingly globalized. Social organizations, social movements and social and political life itself are also becoming more and more internationalized. Indigenous leaders meet frequently to map out and prepare global strategies. Women form large networks, hold meetings for exchanging and discussing experiences and they have increasingly globalized objectives. Environmental protection organizations are increasingly international, as they are discovering that the problems they deal with affect "planetary ecology". The Internet communicates "top down" and "bottom up", hosting the propaganda of major businesses and globalized civil society.

23. This new global environment is undoubtedly making many people afraid. There are those who mourn a smaller, more compartmentalized and manageable world. The forces of the globalized market seem to leave no room for local, national or even regional economic policies. The exercise of global economic power by transnational corporations and bodies constitutes an ongoing violation of local autonomy, with major consequences on entire world regions. There are those, on the other hand, who believe that globalized markets are the only solution and alternative to current societies, if measures are not taken to ensure balanced development and integration. This is why, as was stated above, we are witnessing the "globalization of poverty", perhaps the most striking consequence of the process now under way. The breakdown of national safety nets has led to growing inequalities. As societies become

globalized they seem to break up from within. They blur into one sector, admittedly small, which quickly and enthusiastically takes part in the benefits of globalization, while another sector, generally quite numerous, receives only the disadvantages of these processes. The last eight years of the 1990s have been marked by the growing polarization of the social, economic and cultural scene.

24. The globalization of poverty leads to awareness of the "globalization of rights". This is the contradictory nature of globalization. Such things as trade and information are globalized from the top down, while rights are globalized from the bottom up. Poor people and poor countries observe social differences on their television screens and listen to egalitarian messages, bringing about increased globalization both of aspirations and of "standards". Ethical boundaries surpass the narrow limits of a given place, nation or region. This is the context, and the challenge, in which economic, social and cultural rights must now be analysed. The Covenant that gave these rights legal value at the international level is a good, basic framework for analysing the globalization of economic, social and cultural rights.

IV. FROM INTRINSIC RIGHTS TO GLOBALIZED RIGHTS

25. Economic, social and cultural rights clearly emerged in a context different from that of the world of today. It was the post-war globalization period. As is well known, the greatest globalization of the century occurred with the Second World War. It was given that name because it signified the globalization of horror. Governments were traumatized by humanity's capacity for violence during the war. A generation of world leaders were marked by the experience of the death camps. The Universal Declaration of Human Rights and the International Covenants on Civil and Political and Economic, Social and Cultural Rights appeared as a way of defending the post-war world. It was a world in which two social, political and cultural regimes co-existed - two forms of "democracy". The International Covenant on Civil and Political Rights was in keeping with the western interpretation of democracy, while the International Covenant on Economic, Social and Cultural Rights adhered to the vision of centrally planned economies in terms of what was meant by economic and social democracy. For some, electoral democracy and the rights of the citizen were paramount, while, for others, the economic rights of individuals and economic equality held pride of place. These two different emphases polarized the planet for 40 years and undoubtedly prevented or slowed down the broader processes of globalization under way in both parts of the world. Since those barriers were destroyed - literally, in the famous case of the Berlin Wall - there have been no further obstacles to the processes of globalization, which have resurfaced in an uncontrolled and apparently uncontrollable fashion.

26. Are economic, social and cultural rights intrinsic rights? This is the question that many have asked and continue to ask. Who is obliged to observe those rights? According to the Covenant, it is States that should do so, "to the extent possible". This qualification has led some people to think that these are not rights. According to some legal doctrines, a right that is not enforceable is not a fully constituted right, but is only an aspiration. Many

therefore wonder whether, rather than rights, they are not a sort of a declaration of aspirations to which States have adhered without much will to observe them.

27. Irrespective of any historical interpretations of their emergence, economic, social and cultural rights created a set of fundamental principles that enabled people to be part of humanity with dignity. To enjoy a roof over one's head, food, shelter, work, health, education and culture is basically what it means to be part of humanity today. These conditions constitute inalienable rights. Even though in many places these rights are apparently unattainable for large numbers of people, nothing and no one can take away their humanity and therefore their acquired rights. Economic, social and cultural rights establish the "ethical boundary" between living as human beings and not living as human beings.

28. Economic, social and cultural rights therefore take on a new dimension in the globalization process. They should constitute the set of basic rights which determines the limits of globalization. From those limits arises the principle of violation. This is a basic principle that has been dealt with by the Special Rapporteur. The existence of economic, social and cultural rights means the existence as well of violations of those rights. Persons have their rights violated. Lack of education, early school leaving and structural poverty are not only general ethical issues but also violations of the human rights proclaimed by international law. In our globalized world, economic, social and cultural rights constitute a common legal-ethical code, solemnly ratified by many countries, which makes it possible to determine where and how human rights are violated. It is a fertile principle for contributing to the globalization of civil society - the vision of poor people as to their rights. If there ever were intrinsic declarative rights, it is the very process of market integration which is transforming them into a global code, within the global system of basic human rights.

29. The existence and the violation of globalized rights leads to consideration of enforceability and impunity, an issue of great importance, which has been analysed among others in Mr. Guissé's 1997 report to the Sub-Commission (E/CN.4/Sub.2/1997/8). Very few people still believe that economic, social and cultural rights can be enforceable. Even fewer consider impunity in the context of economic, social and cultural rights. This is why the great legal, political and ethical challenge for the next century should be the codification and enforceability of human rights in an internationalized market. Rights, violation, enforceability and impunity are four key concepts for establishing a universally acceptable ethical and legal framework to make globalization a human process and not, as so many have observed, a chaotic process, in which the few receive the benefits and millions and millions of human beings are forever condemned to humiliating conditions of misery.

V. SOCIAL FORUM

30. Despite its central responsibility in the realization of economic, social and cultural rights, the State is neither the sole agent nor the sole actor on the economic and social scene. The globalization of economic, social and cultural relations calls for new outlooks. The State and its organs are the principal actors operating in the global market. Others are the

international organizations. Transnational corporations, trading and financial enterprises as well as numerous other actors are emerging as an inseparable part of globalization. No less important are the private cooperation agencies that provide assistance to the poor and reflect international solidarity. There is a growing need to create "codes of conduct" or "ethics of globalization" in order to assign responsibilities in this difficult but indispensable field. The ingenuous belief that fate delights in viewing the terrible and growing misery in which children and people are living in third world countries and that their condition does not respond to logic or reason. It is not a force external to ruling power systems that takes the decisions which affect different regions of the world. Beyond the poverty of millions in the third world, there is not only the enormous wealth of a few thousand but also the corruption of many State authorities, the failure of State mechanisms and services to discharge their functions, the unregulated and uncontrolled presence of transnational corporations and companies, the authoritarian and unconsidered operation of international financial institutions, and the frequently futile action of organizations and institutions which are well-intentioned but which do not coordinate their activities in a stable and sustained manner.

31. This is why the main practical recommendation of this study on income distribution and human rights is to establish a Social Forum with the participation of States; international financial institutions, particularly the World Bank and IMF; international development and cooperation agencies; NGOs devoted to development and action, especially in the third world; and also, perhaps, banks and international private corporations, which, after listening to and taking part in the debates, might see the interest of taking economic, social and cultural rights into account in their policies, as in some cases they have already done with the environment and ecology. It is very important that development NGOs, international cooperation agencies and charitable foundations participate in the Social Forum, as they are acquiring ever greater relevance in relations between north and south, as a part of the growing "privatization" of cooperation. The Commissioner for Human Rights will have a special role to play in the Social Forum. 2/

Notes

1/ Income distribution is technically used as the preferred term to indicate the manner in which wealth is distributed among a country's households. It is a statistical measurement which, after establishing the total national product, divides it by the total number of households. We have used the system of measuring the ratio of the top (or wealthiest) 20 per cent of households to the bottom (or poorest) 20 per cent. Reference should be made to the final report. The use of the concept of income distribution at the international level is less orthodox, but we have used it, perhaps stretching the concept somewhat, insofar as it was required by the mandate.

2/ There is a long theoretical debate on the link between income distribution and poverty. Some authors emphatically deny the link. This issue is discussed in the second report and is covered in the bibliography of the final report. It is not the purpose of this type of report to engage in theoretical debate, but this argument is frequently used to deny the political importance of the relationship.

3/ See UNCTAD's Trade and Development Report 1997, which refers in detail to the issue, and identifies such a trend.

4/ The Special Rapporteur's second report provides figures on the behaviour of health, education and housing expenses and compares them with relative spending on arms and defence. In this report and the others, a bibliography indicates the basis for the assertions made.

5/ In accordance with the guidelines of the World Bank, persons living below the destitution line are those living in households without sufficient income to purchase a basic food basket, that is, to feed themselves. Persons living below the poverty line, on the other hand, are those living in households without sufficient income to meet their basic needs. The necessary income is normally calculated as equivalent to twice the cost of the basic food basket, with a poor family estimated to spend 50 per cent of its income on food and the other 50 per cent on clothing, housing, heating and other basic needs for survival.

6/ The sources of information on which these general theoretical-political conclusions are based are primarily the annual reports of the World Bank and UNCTAD reports. See in particular the Trade and Development Report for the years 1995, 1996 and 1997. In recent years we have been directly involved in the preparation of UNDP reports on the quality of human development, the sustainability of social policies and the conditions of poverty.

7/ See final report.

8/ The complaints and communications submitted to the Sub-Commission at its forty-ninth session are proof of the points made here.

9/ See document E/CN.4/Sub.2/1997/9, paragraphs 92-98.



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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Report updating the study on the right to food
prepared by Mr. Asbjørn Eide

I. INTRODUCTION

1. Economic and social rights are now starting to be taken seriously, though still not at the same level as civil and political rights. In recent years, the Sub-Commission has contributed significantly to the revival and strengthening of the interest in these rights through a number of studies, most recently the final report of the study by Mr. Rajindar Sachar on the right to housing (E/CN.4/Sub.2/1995/12), the final report on human rights and extreme poverty by Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13) and the incisive study by Mr. Jose Bengoa on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1997/9, and E/CN.4/Sub.2/1998/8) which will be discussed at the present session. Supplementing the earlier studies, such as the comprehensive study by Mr. Danilo Türk on economic and social rights, the study by Mr. El-Hadji Guissé on impunity for the violation of economic and social rights, and drawing also on the increasingly active work done by the relevant treaty bodies, these studies provide a solid basis for efforts by the United Nations bodies to realize the economic social part of the human rights package.

2. By its decision 1997/108, the Sub-Commission in 1997 decided to request me to review and update, without financial implications, my study on the right to food submitted in 1987 (Human Rights Study Series No. 1, United Nations publication, Sales No. E.89.XIV.2). The Sub-Commission had the year before, in its resolution 1996/25 of 29 August 1996, expressed deep concern that more than 800 million people throughout the world, particularly in developing countries, did not have enough food to meet their basic nutritional needs and had therefore appealed to the World Food Summit, to be held in Rome later that year, to propose, inter alia, ways in which the right to food could be further clarified and implemented.

3. The appeal had been taken into account by the World Food Summit which met in November 1996. It included in its Plan of Action objective 7.4 which, inter alia, invited the United Nations High Commissioner for Human Rights, in consultation with relevant United Nations and intergovernmental mechanisms, to better define the rights related to food and to propose ways to implement and realize those rights. This was endorsed by the Commission on Human Rights in its resolution 1997/8 of 3 April 1997. Since then, considerable progress has taken place, as described in this progress report.

4. While the Sub-Commission had wished the updated study to be submitted to the Sub-Commission at its fiftieth session in 1998, I have found it necessary to divide it into a progress report in 1998 and to present the final update in 1999. This will be done without financial implications for the United Nations. The reason is that there is currently accelerating and very promising process within the United Nations system as well as in the international NGO environment in regard to the right to food and other economic and social rights, part of it in conjunction with the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights. It would be desirable to be able to provide more in-depth attention to that process and draw on its results before the final updated report is presented in 1999.

5. In the 1987 report, I examined the available statistics on food, hunger and related issues; regional perspectives on agriculture; environmental concerns and food resources; and the concept of entitlements and command over food. I reviewed in some detail the origin of the inclusion of economic and social rights in the International Bill of Human Rights and their further evolution, starting with the commitments made even during the Second World War to ensure a future where there was freedom from want for everyone, everywhere in the world. The major steps in the subsequent standard-setting were outlined.

6. At the core of social rights is the right to an adequate standard of living (Universal Declaration, art. 25 and the International Covenant on Economic, Social and Cultural Rights, art. 11) which are the provisions which concern us most. This right requires, as a minimum, that everyone shall enjoy the necessary subsistence rights - adequate food and nutrition, clothing, housing and the necessary conditions of care and health services. Closely related to this is the right of families to assistance, briefly mentioned in article 25 and elaborated in greater detail in subsequent provisions such as article 10 of the International Covenant on Economic, Social and Cultural Rights and article 27 of the Convention on the Rights of the Child. In

the 1987 report, I also listed a great number of other provisions directly or indirectly relating to the right to food and nutrition which could be found in international instruments.

7. The report contained a detailed analysis of the nature of State obligations for human rights, noting that international human rights law, like other parts of international law, is legally binding for States; it is not a set of recommendations, but requirements that have to be implemented.

8. At least three levels of obligations of States were identified: the obligations to respect, protect and fulfil. Failure to perform any one of these three obligations constitutes a violation of the rights. Since then, there has been an interest expressed by many to include "facilitate" in this list since this would subsume most kinds of development assistance.

9. Since State obligations must be seen in the light of the assumption that human beings, families or wider groups seek to find their own solutions to their needs, States should at the primary level, respect the resources owned by the individual, her or his freedom to find a job of preference, to make optimal use of her/his own knowledge and the freedom to take the necessary actions and use the necessary resources - alone or in association with others - to satisfy his or her own needs. The State cannot, however, passively leave it at that. Third parties are likely to interfere negatively with the possibilities that individuals or groups otherwise might have had to solve their own needs. At a secondary level, therefore, State obligations require active protection against other, more assertive or aggressive subjects - more powerful economic interests, such as protection against fraud, against unethical behaviour in trade and contractual relations, against the marketing and dumping of hazardous or dangerous products. This protective function of the State is widely used and is the most important aspect of State obligations with regard to economic, social and cultural rights, similar to the role of the State as protector of civil and political rights. At the tertiary level, the State has the obligation to facilitate opportunities by which the rights listed can be enjoyed. It takes many forms, some of which are spelled out in the relevant instruments. For example, with regard to the right to food, the State shall, under the International Covenant (art. 11(2)), take steps to "improve measures of production, conservation and distribution of food by making full use of technical and scientific knowledge and by developing or reforming agrarian systems". At the fourth and final level, the State has the obligation to fulfil the rights of those who otherwise cannot enjoy their economic, social and cultural rights. This fourth level obligation increases in importance with increasing rates of urbanization and the decline of group or family responsibilities. Obligations towards the elderly and disabled, which in traditional agricultural society was taken care of by the family, must increasingly be borne by the State and thus by the national society as a whole.

10. The report ended with a set of recommendations to States, to specialized agencies, to the Economic and Social Council, to the Committee on Economic, Social and Cultural Rights, and to international non-governmental organizations. Part of the updated report to be presented in 1999 will review the follow-up that has been given to those recommendations. It will be noted

from the content of this progress report, however, that there has been a significant increase in attention to the right to food and nutrition in the United Nations and its specialized agencies.

II. MAJOR TRENDS IN THE FOOD AND NUTRITION SITUATION WORLDWIDE

11. Since my original report, statistics have improved, especially as regards differentials and trends in the nutritional situation globally and regionally. As mentioned in the report this has happened thanks to the work of the Subcommittee on Nutrition of the Administrative Committee on Coordination (ACC/SCN) through its periodic Reports on the World Nutrition Situation (RWNS), the first having been published in November 1987. This was a few months after my report, which is why the statistical basis of that report was limited both in nature and scope. The World Food Summit, drawing on the available data both as regards insufficient per capita access to food energy (calories) and more direct estimates of malnutrition by anthropometric data and nutrient intake data from the Second RWNS (1992-1993), as well as two subsequent "Updates on the Nutrition Situation" in 1994 and 1996, made several estimates.

12. Approximately 840 million people in developing countries subsist on diets that are deficient in calories (compared with 730 million in the 1987 report). Roughly 96 per cent of food-insecure persons suffer from chronic deficiencies, and approximately 4 per cent experience temporary energy shortfalls caused by natural or human-induced events. Approximately 170 million children under 5 years of age are underweight, representing 30 per cent of the developing world's children. The number of people who are food-insecure due to specific nutrient deficiencies is less well known mainly because of difficulties in definition, measurement and lack of data, but the numbers are likely to be much greater. The best available estimates suggest that approximately 250 million children are deficient in vitamin A, over 800 million people suffer from iodine deficiency, and up to 2,000 million people are affected by iron deficiency and anaemia. The vast majority of the food-insecure, whether their undernourishment is due to deficiencies in energy or micro-nutrients, live in low-income developing countries. Millions more live in conditions which expose them to varying degrees of risk - a concept which is generally well understood but rarely quantified.

13. The Second RWNS also estimated regional trends in more direct anthropometric indicators of malnutrition, notably underweight (weight-for-age) in children. The Third Report, available in December 1997, provides for the first time trends in the prevalence of stunting, or height-for-age, which is considered a better cumulative indicator of well-being for populations of children in countries. ^{1/} The examination shows that the six regions of the developing world ^{2/} have very different prevalences of stunting, and that the regions have progressed quite differently since 1980: South Asia has the highest prevalence of stunting but, with South-East Asia and South America, has had the fastest rate of decrease in stunting. Sub-Saharan Africa as a whole has made no progress in reducing the prevalence of stunting and had, in fact, a higher prevalence of stunting in 1995 than in 1980. During this period the trends in improvement or deterioration in stunting were stable; that is, there was no evidence indicating a change in the global rates of progress, the only exception being Near East/North Africa. Of

the 61 countries from which trend data on stunting were available, only about 16 met the WHO target which aims at a prevalence rate of around 20 per cent or less, for all countries by the year 2020.

14. The pattern of child malnutrition across the regions is paralleled by patterns of underweight in adults. Thus Asia has by far the highest prevalence of adult underweight, just as it does for child stunting and underweight. 3/

15. Some readers may ask why one should go into these kind of data rather than the, to many, more familiar and straightforward trends in per capita availability of calories as an indicator of food shortage or surpluses. The answer can be simplified as follows: firstly, global and even national trends in food supply are a very poor indicator of hunger and malnutrition for which only data on access give any meaning. Furthermore, the complex causality of hunger and malnutrition needs to be better understood beyond expert food and nutrition analysts' circles. This is particularly important to any discussion on the human right to adequate food and nutrition, where modern scientific discourse now emphasizes nutrition as the wider concept and a result of converging factors relating not only to food but also to health behaviour and services, and to the upcoming understanding of the role of care. The latter applies especially to the vulnerable groups such as young children, pregnant and lactating mothers, the elderly, the disabled and the destitute, which together make up a very large proportion of a population. There is also an emerging information base and concern about the special nutrition conditions of refugees and internally displaced persons.

16. As to causality, a range of factors, forces and processes are in motion, including shifting climatic and other environmental conditions, patterns of economic interest and control over resources, including land and water, issues regarding access to common property, gender-based role patterns and opportunities, the political scene and the nature of governance, social investment and the participation of civil society, to mention some, all affecting the final outcome of human nutritional levels for survival, development, an active and productive life and well-being. Thus, as part of the follow-up to an important recommendation by the World Food Summit in 1996 on the establishment of national "Food Insecurity and Vulnerability Information and Mapping Systems", or FIVIMS, a background document to the FAO Committee on Food Security on background and principles for the guidelines to be developed for such systems, listed four clusters of factors representing four areas of potential vulnerability: 4/

- (a) socio-economic and political environment;
- (b) performance of the food economy;
- (c) care practices; and
- (d) health and sanitation.

17. The background document goes on to say: "To achieve success, strategies to eliminate food insecurity have to tackle these underlying causes by combining the efforts of those who work in diverse sectors such as

agriculture, nutrition, health, education, social welfare, economics, public works and the environment. At the national level, this means that different ministries or departments need to combine their complementary skills and efforts to design and implement integrated cross-sectional initiatives that must interact and be coordinated at the policy level. At the international level, this means that a range of specialized agencies and development organizations must work together as partners in a common effort." 5/

18. This general reference to what "ministries and departments" ought to do to eliminate food insecurity, can easily be translated into a human rights language of States' obligations to realize the right to food and nutrition. My 1987 report provided a tool, further elaborated in subsequent publications 6/, 7/, for how to identify such obligations to realize the right to food in the context of food security as a basically household-level development goal. It consisted of a matrix combining the essential generic components of food security, with the level of State interventions to respect, protect, facilitate and fulfil people's right to food and nutrition. States represent, however, only one set of actors in a necessary partnership to realize human rights in general, thus we must add to the obligations of States, the responsibilities of civil society and of each single household or individual as duty-bearers as well as being right-holders. There is no doubt that the complementarity of such partnership for greater efficiency in governance has gained in acceptance since my first report.

19. The FIVIMS initiative has been taken up by an interagency working group with members from a wide range of international organizations interested in improving information on food insecurity. FIVIMS use existing information-gathering systems and promote the sharing of information between partners, at national and international levels. FIVIMS may potentially mean a whole set of new national data that could be drawn on in the reporting by States parties to the human rights conventions relevant to the right to food and nutrition and to the monitoring of their implementation by the respective treaty bodies. My final update report will consider in more depth this and other sources of information relevant to human rights monitoring regarding the right to food and nutrition and related areas of economic, social and human concern.

III. MAJOR EVENTS IN THE PROMOTION OF THE RIGHT TO FOOD AND NUTRITION

20. The purpose of the present section is to give a brief review of major events which have served, directly or indirectly, to advance the attention to the right to food and nutrition since my report in 1987. A more detailed analysis of the recommendations made and their follow-up will be included in the final update in 1999.

21. Among the most important normative developments since 1987 is the adoption of the Convention on the Rights of the Child in 1989 and its world-wide ratification. It is, by now, almost universally binding, with 191 States parties to it. These 191 States have committed themselves, under article 27, to recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial

capacities, the conditions of living necessary for the child's development. But the States parties are obliged under that article to take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. Under article 24 of the same Convention, States parties are obliged to combat disease and malnutrition, inter alia, through the provision of adequate nutritious foods and clean drinking-water.

Global conferences

22. The World Summit for Children, held in New York in September 1990 at the invitation of UNICEF, placed the rights of the child close to the top of the human rights agenda and contributed to the unprecedented speed with which States ratified the Convention. Of great importance was also the decision by UNICEF, when renewing its institutional mission in 1996, to have the Convention on the Rights of the Child guide all activities of UNICEF. The implementation of nutrition field programmes in all countries where UNICEF is active now follows a human rights approach. The experience of UNICEF may be of interest to other agencies now making human rights the main guide to their work.

23. The United Nations Conference on Environment and Development (the Rio Conference), held in 1992, adopted a series of documents of great significance for the right to food, including Agenda 21, which contains a comprehensive programme for global action in all areas of sustainable development.

24. The first International Conference on Nutrition (ICN) was held in 1992 with participation from 159 States and the EC. Several States worked to incorporate significant human rights dimensions in the ICN Declaration and Programme of Action, but met resistance from a number of others. The net negotiated "compromise" result was that reference was made to the Universal Declaration of Human Rights but not to the Covenant on Economic, Social and Cultural Rights or the Convention on the Rights of the Child. This reflects the difficulties still prevailing at the beginning of the decade of gaining general recognition of commitments already made by States parties in human rights forums, by those attending on behalf of the same States in some of the global thematic conferences. It also reflects the relatively limited advances made to that date within the United Nations on conceptual and practical linkages between the right to development and development goals and programmes themselves. Only in connection with humanitarian law was the ICN explicit, in its reaffirmation that in that context, food must not be used as a tool for political pressure, and that food aid must not be denied because of political affiliation, geographic location, gender, age, ethnic, tribal or religious identity. The ICN was nevertheless a breakthrough for a truly developmental approach to nutrition problems globally. It demonstrated the need for a solid scientific understanding and database for sound assessments and action to prevent hunger and improve nutritional well-being for all. As such, the information generated and the ongoing dynamic process of follow-up of the Plan of Action by countries and regions no doubt helped prepare the ground for a more mature recognition of the role of nutrition in human, economic and social development and as a human right.

25. The Declaration adopted by consensus at the World Conference on Human Rights held in Vienna in 1993 pointed out (Part I, para. 5) that all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. Therefore, the right to food and nutrition and other economic and social rights must be given the same attention as civil and political rights.

26. Another major step was taken with the International Conference on Population and Development, held in Cairo in 1994. Demographic trends have great significance for the realization of the right to food and nutrition. The Programme of Action adopted at the end of the conference builds on the agreements adopted at the 1990 World Summit for Children, the United Nations Conference on Environment and Development in 1992 and the World Conference on Human Rights in 1993.

27. Of even more direct relevance was the World Summit for Social Development held in Copenhagen in 1995, which focused on the eradication of poverty, expansion of productive employment and the promotion of social integration. It emphasized the need to eradicate poverty in the world through decisive national actions and international cooperation, as an ethical, social and economic imperative of humankind. It called for the focusing of policies to address the root causes of poverty, giving special priority to the rights and need of women and children and of vulnerable and disadvantaged groups.

28. The Fourth World Conference on Women, held in Beijing in 1995, in its Declaration and Platform for Action, further advanced concerns that had been initiated with the Nairobi Forward-looking Strategies for the Advancement of Women by the Year 2000, adopted in Nairobi in 1985. The empowerment of women, which has become a major concern of the international community during the last two decades, can have a substantial impact on the elimination of hunger and malnutrition, a point which will be dealt with in some detail in the final update of this report.

29. The second United Nations Conference on Human Settlements (Habitat II), which met in Istanbul in 1996 to examine the present situation regarding housing and to develop commitments for the future, helped to increase awareness of the fact that not only had the world population increased from about 4.2 billion to about 5.7 billion during the last two decades, but that an increasing number of people live in cities and that, by the year 2000, over 50 per cent of the population will live in urban areas. This represents new challenges, not least when it comes to supply of food to huge groups of people with very limited sources of income. There is also a need to address the root causes of these phenomena, including rural to urban migration, issues will be addressed in the final update of this report.

30. The World Food Summit, convened in Rome at the invitation of FAO in November 1996, turned out to be a milestone in the efforts to bring attention to the right to food and nutrition as a human right. World leaders gathered there not only formally renewed their commitment to the right to food, but specifically reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.

31. The World Food Summit in November 1996 adopted a set of recommendations regarding institutional follow-up of Objective 7.4 on the right to food, under which "Governments in partnership with all actors of civil society" will:

Make every effort to implement the provisions of article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and relevant provisions of other international and regional instruments;

Invite the Committee on Economic, Social and Cultural Rights [the treaty body for the Covenant] to continue to monitor the specific measures provided for in article 11 of the Covenant;

Invite appropriate specialized agencies of the United Nations to consider how they might contribute to the further realization of this right; and

Invite the United Nations High Commissioner for Human Rights, in collaboration with relevant specialized agencies and programmes of the United Nations system and intergovernmental mechanisms, to better define the rights related to food in article 11 of the Covenant and to propose ways to implement and realize these rights.

32. In the final update of this study, a review will be made of the responses so far given to these recommendations. A preliminary survey will be given below.

Agency interest and commitment

33. UNICEF has for many years been in the forefront in promoting a human rights perspective to nutrition assessment, analysis and action. UNICEF is explicitly identified as a responsible partner in the implementation and monitoring of the Convention on the Rights of the Child, which is of world-wide importance due to the nearly universal ratification of the Convention.

34. FAO's present engagement in the right to food is closely tied to the Organization's role in organizing the World Food Summit and the follow-up of objective 7.4. FAO has drawn up a set of activities for this part of the follow-up process within the Organization and has entered into cooperation with the High Commissioner for Human Rights for the implementation of objective 7.4. For this purpose, a memorandum of understanding was signed by the Director-General of FAO and the High Commissioner for Human Rights on 29 May 1997. FAO's Committee on World Food Security (CFS) and the FAO conference held in November 1997 have given full support to the work of FAC in this matter in its resolution 2/97 g/ entitled "Right to food".

35. In the aftermath of the World Food Summit, several initiatives were undertaken in 1997 by the Office of the High Commissioner for Human Rights. The Committee on World Food Security of FAO was addressed, the memorandum of understanding with FAO to enhance cooperation with a view to implementing the recommendations of the World Food Summit was concluded, and several meetings relating to the implementation of these recommendations took place in Rome and Geneva.

36. An expert seminar on the right to adequate food was held under the auspices of the High Commissioner for Human Rights in December 1997, with the purpose to better define the rights relating to food in article 11 of the International Covenant on Economic, Social and Cultural Rights, and to propose ways to implement and realize those rights as a means of achieving the commitments and objectives of the World Food Summit.

37. The consultation brought together independent experts, non-governmental organizations and the relevant agencies of the United Nations. It began with a day of general discussions in the Committee on Economic, Social and Cultural Rights, followed by an expert seminar on the second day. The report by the High Commissioner for Human Rights on the Right to Food, 2/ containing information about the consultation, was considered welcomed by the Commission on Human Rights at its fifty-fourth session, its resolution 1998/23 of 17 April 1998. The report contains a set of concrete recommendations:

(a) The participants recommended that the Committee on Economic, Social and Cultural Rights draft and adopt a general comment as a contribution to the clarification of the content of the right to adequate food. On that basis, the Committee might want to revise or add to existing reporting guidelines with a view to improving the dialogue with States on the implementation of the right at country level;

(b) Whenever appropriate, the mandates of Special Rapporteurs should include the right to adequate food;

(c) "Best practice" or country case studies on how the right to food is implemented are recommended as a means of supporting the promotion of a human rights approach to food and nutrition problems; case studies on the application of other economic, social and cultural rights would also be helpful;

(d) It would be desirable for the Commission on Human Rights to explore ways in which it could advance, at the political level, the right to adequate food among its members as well as in the United Nations system, notably within the framework of the fiftieth anniversary of the Universal Declaration on Human Rights;

(e) In response to the World Food Summit's request, the High Commissioner may wish to consider practical ways of strengthening her Office's capacity to deal with the substantive issues of the right to food, including the possibility of appointing an external adviser on the right to food. The High Commissioner may wish to place the issue of a coordinated approach to the right to adequate food throughout the United Nations system high on her agenda; and

(f) The Consultation recommends a follow-up meeting in 1998 to pursue discussions on the contents and means of implementation of the right to adequate food in order to provide the High Commissioner with a full set of recommendations concerning her response to the World Food Summit's request. On that occasion, the participation of human rights organizations currently concerned mainly with civil and political rights as well as that of development agencies not present at the December meeting should be ensured.

38. A particularly significant milestone for the evolving policy discussions and concretization of the human right to food and nutrition came with the recent policy document finalized by the United Nations Development Programme in December 1997: "Integrating human rights with sustainable human development". UNDP is a development agency and therefore its main human rights contributions will be in and through its development activities. Here, it is crucial that UNDP can develop a human rights-based approach to sustainable human development programming, thereby ensuring that human rights will be mainstreamed in UNDP activities and not relegated to specific human rights projects alone. Special attention is paid to economic, social and cultural rights and to the human right to development, e.g. by developing indicators to measure progressive realization. UNDP's human rights-based approach to poverty alleviation emphasizes empowerment, participation and non-discrimination and addresses issues of vulnerability, marginalization and exclusion. The human rights approach of UNDP is universal and holistic, stressing the indivisibility and inter-relatedness of all human rights, economic, social, cultural, civil and political. Special attention will also be paid to ensure that civil and political rights are fully respected in the processes involved in UNDP's programming and implementation of sustainable human development.

39. UNDP is committed to a better integration of human rights follow-up from the major United Nations global conferences of the 1990s - especially from the World Summit for Children, the Earth Summit, the Social Development Summit, the Fourth World Conference on Women, the Education for All Conference, the World Conference on Human Rights, the Population and Development Conference, Habitat II and the World Food Summit. This integration of follow-up activities will provide valuable insights and benchmarks for UNDP's current and future human rights programming.

40. The ACC/SCN is the focal point for harmonizing the policies and activities in nutrition of the United Nations system. The role of the ACC/SCN is to serve as a coordinating mechanism, for exchange and information and technical guidance, and to act dynamically to help the United Nations respond to nutritional problems. Its members include 16 United Nations organizations whose work is in some way related to food and nutrition concerns, while interested donor agencies attend as active observers along with a growing number of NGOs. Through its Working Group on Nutrition, Ethics and Human Rights the ACC/SCN has gradually opened up for considering human rights dimensions. At its twenty-fifth session in March/April this year, the ACC/SCN members accepted the offer by the High Commissioner for Human Rights to host its twenty-sixth session in 1999 in Geneva. The theme for the thematic symposium to be held in conjunction with that session was decided to be "The substance and politics of a human rights approach to food and nutrition policies and programming".

41. It is thus clear that an accelerating recognition of the concerns with economic, social and cultural rights has thus taken place during 1996-98. The United Nations reform package proposed by the Secretary-General in July 1997, with its emphasis on human rights as a guide to all activities of the United Nations family, and the coinciding preparations for the fiftieth

anniversary of the Universal Declaration of Human Rights, have made their imprint on the receptivity and interest of several agencies to review their own mandate and performance in relation to human rights.

Non-governmental organisations

42. There has also been an accelerating interest among international non-governmental organizations for the promotion and realization of economic and social rights. In particular, three of these - FIAN (the Food First Information and Action Network), WANAHR (World Alliance for Nutrition and Human Rights) and the Institut Jacques Maritain International took the lead, after the World Food Summit in 1996, in preparing an International Code of Conduct on the Human Right to Adequate Food. The Code was completed in 1997 and has now been endorsed by a large number of non-governmental organizations. The intention is to bring it to the attention of the appropriate United Nations bodies for consideration and possible further processing as an international reference document if not an instrument in its own right.

IV. PLANS FOR THE CONTENT OF THE FINAL UPDATE

43. The tentative plan for the final update is as follows:

Introduction

- Chapter 1: Food and hunger - status, dimensions and differentiation in occurrence.
 - Chapter 2: The World Food Summit commitment, the commitments made at other world conferences during the 1990s, and their follow-up.
 - Chapter 3: The accelerating recognition of a human rights approach to development issues, exemplified by the right of access to adequate food.
 - Chapter 4: Evolution in the understanding and acceptance of State obligations - internal and external. The significance to food and nutrition issues of the Declaration on the Right to Development
 - Chapter 5: Monitoring and dialogue in the relevant treaty bodies
 - Chapter 6: The role of the specialized agencies and other United Nations bodies
 - Chapter 7: Future prospects.
- Conclusions and recommendations

Notes

1/ The data was compiled by the WHO Nutrition Programme Database on Child Growth and Malnutrition. On the Internet, the data is available at <http://www.who.org/nut/pem/intro2.htm>.

2/ South Asia, South-East Asia, Sub-Saharan Africa, Middle America and the Caribbean, Near East/North Africa, South America. Figures for stunting are available also for China but as only one survey has been made (1992) no trends can be shown.

3/ "Underweight" is calculated by the percentage of adults with Body Mass Index less than 17 (BMI = weight in kg divided by height in metres squared).

4/ Guidelines for National Food Insecurity and Vulnerability Information and Mapping Systems (FIVIMS): Background and Principles. See CFS: 98/5, FAO Committee on World Food Security, twenty-fourth session, Rome, 2-5 June 1998.

5/ Ibid., section 1.2: Cross-Sectoral Dimensions of Food Insecurity.

6/ Oshaug, A., Eide, W.B., Eide, A.: "Human rights: a normative basis of food and nutrition policies". Food Policy, Vol. 19, issue 6, 1994.

7/ "The Right to Food", FAO, 1997, presented at expert consultation on the right to food organized by the Office of the High Commissioner for Human Rights, 1-2 December 1997.

8/ Adopted on 17 November 1997.

9/ See E/CN.4/1998/21. The report is available at its Internet address: <http://www.unhchr.ch/html/menu4/chrrep/98chr21.htm>.
